

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CASE NO.: 03-CR-10331 (RGS)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

IVAN VELEZ,

Defendant.

MOTION TO CONTINUE TRIAL DATE

COMES NOW the defendant, Ivan Velez, by and through undersigned counsel, and files this his Motion to Continue Trial scheduled for Monday, November 7, 2005, and, as good grounds, states as follows:

1. The instant matter is scheduled for trial on Monday, November 7, 2005. Initial discovery has been provided by the Government.
2. However, there are voluminous amounts of discovery provided by the Government as this matter involves a complex money laundering scheme.
3. The undersigned has had a very busy trial schedule this year, and particularly the latter part of the year. Specifically, the undersigned just completed last week the trial of *U.S. v. Jorge Zubigaray*, Case No.: 05-20569 in Miami before the Honorable Cecilia Altonaga. Additionally, the undersigned is scheduled to begin trial in Miami before the Honorable Judge Huck in *U.S. v. Elvis Hernandez*, Case No.: 05-20711-CR-HUCK during the two week trial period beginning Monday, October 31, 2005. This case is not expected to resolve by way of plea. Additionally, the undersigned is scheduled to begin trial on November 14, 2005 in Gainesville, Florida in the

matter of *U.S. v. Juan Jesus Gomez*, Case No.: 1:05CR40-SPM-AK. This is a multi co-defendant case that will not resolve by plea.

4. The additional time requested herein is not sought for purposes of delay, but merely to accommodate the undersigned's busy trial schedule and allow him additional time to prepare the matter for trial and possibly to negotiate an agreed upon plea.

5. A denial of this request for continuance could result in a miscarriage of justice.

6. The additional time requested by this motion is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code Sections 3161(h)(1)(F), 3161(h)(7), and Title 18, United States Code, Section 3161(h)(8)(A), considering the factors under Title 18, United State Code, Sections 3161(h)(8)(B)(I) and 3161(h)(8)(B)(iv).

7. The Defendant is not incarcerated and does not object to the continuance. The Defendant waives his right to a speedy trial. The undersigned has explained to the Defendant the significance of the waiver.

8. Assistant United States Attorney Cynthia Lie objects to the instant matter being continued.

WHEREFORE, the Defendant prays this Honorable Court re-schedule the trial date to mid-March 2006.

DATED this 11th day of October 2005.

Respectfully submitted,

PERCY MARTINEZ, P.A.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was mailed/faxed to **Cynthia Lie**, Assistant United States Attorney at the Office of the United States Attorney, Boston, Massachusetts and **Paige Kelley** counsel for co-defendant on this 11th day of October 2005.

By: PMartinez
Percy Martinez, Esq.